

Notice of Allowability

Application No.

10/082,598

Applicant(s)

BELL, OTIS FRANKLIN

Examiner

Art Unit

William P. Fletcher III

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to the RCE filed 12/8/2003.
 - The allowed claim(s) is/are 1-5,7-15,17-20,23,24 and 29-32.
 - The drawings filed on _____ are accepted by the Examiner.
 - Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
 - Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) The translation of the foreign language provisional application has been received.
 - Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**
7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 8. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____
- Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. _____.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other

WPF 1/21/2004
William Phillip Fletcher III
Patent Examiner, USPTO
Group Art Unit 1762

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/2003 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter A. Hackler (Reg. No. 27,792) on 1/21/2004.

The application has been amended as follows:

In the claims...

...non-elected claims 21, 22, 25, and 26 have been canceled.

...claims 1, 7, 11, and 17 have been amended to read:

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Currently

1. (Amended) A method of temporarily protecting a portion of a surface which is

to be coated with a coating compound, which comprises:

- a) applying a continuous coating of a masking material to a portion of said surface, which masking material comprises, before drying, an aqueous solution or emulsion consisting essentially of a film-forming, carboxylic acid-containing polymer;
- b) coating said surface with a coating compound, said masking material preventing said coating compound from contacting said portion of said surface which is protected by said masking material; and, thereafter,
- c) removing said masking material from said surface,

wherein said masking material comprises sufficient alkali to neutralize and solubilize said polymer.

Currently

7. (Amended) The method of claim [6] 1 wherein the pH of said solution or

emulsion is about 7.1.

Currently

11. (Amended) A method of temporarily protecting a portion of a surface which is

to be coated with a coating compound, which comprises:

- a) applying a continuous coating of a masking material to a portion of said surface, which masking material comprises, before drying, an aqueous solution or emulsion comprising, as the sole film-forming component, a carboxylic acid-containing copolymer;

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- b) coating said surface with a coating compound, said masking material preventing said coating compound from contacting said portion of said surface which is protected by said masking material; and, thereafter,
- c) removing the masking material from said surface,
wherein said masking material comprises sufficient alkali to neutralize and solubilize said polymer.

17. *Currently*
(Amended) The method of claim [16] 11 wherein the pH of said solution or emulsion is about 7.1.

...claims 6, 16, 27, and 28 have been canceled.

3. Claims 1-5, 7-15, 17-20, 23, 24, and 29-32 are allowed.
4. The following is an examiner's statement of reasons for allowance: Applicant's arguments with respect to claims 6 and 16, filed 12/8/2003 are persuasive. While Roberts teaches neutralizing the polymer by addition of alkali, this reference neither teaches nor suggests *solubilizing* the polymer by addition of alkali. Further, while Roberts is silent as to the solubility of the polymer, the reference explicitly teaches that the polymer films are *water-resistant* (see 10:15-24 and Table 2), reasonably suggesting that the polymer is not soluble in an aqueous medium.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1419. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

WPF 1/21/2004
William P. Fletcher III
Examiner
Art Unit 1762



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